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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,301	11/21/2000	Miwako Doi	200054US2SRD	9471

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EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 02/27/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

DM

Office Action Summary

Application No.

09/716,301

Applicant(s)

DOI, MIWAKO

Examiner

Djenane M Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Regarding claim 14, the phrase " facility information relating to an individual facility of the facility " renders the claim indefinite.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7, 9-10, 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,347,278 Ito.

- a. As per claims 1 and 9, Ito teaches wherein a customer navigation terminal to be carried by a customer entering a facility (Remark: a mobile terminal that can be carried anywhere)

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including a navigation system comprising a memory section configured to store information relating to the customer (See col. 4, lines 29-30) and a communication section configured to make communication with a customer guide server (See col. 3, lines 57-59); and a customer guide server, including: a communication section configured to make communication with the customer navigation terminal (See col. 4, lines 65-66); and an information management section configured to perform a customer navigation to the customer navigation terminal via the communication section of the customer guide server (See col. 4, lines 62-64).

b. As per claim 7, Ito teaches wherein a customer navigation terminal to be carried by a customer entering a facility (Remark: a mobile terminal that can be carried anywhere) including a customer navigation system comprising: a memory section configured to store information relating to the customer (See col. 4, lines 29-30); a communication section configured to make communication with a customer guide server (See col. 3, lines 57-59); a positional information acquiring unit configured to acquire positional information of the customer (See col. 6, lines 12-20); a display unit configured to display the positional information on a map and facility (See col. ; and a first transmission unit configured to transmit the positional information to a service server (See col. 4, lines 5-10); and a service server directly or indirectly communicating with the customer navigation terminal, including: a navigation planning unit configured to respond to the positional information transmitted from the customer navigation terminal to generate customer navigation information in accordance with a customer navigation method (See 9, lines 61-65); and a second transmission unit configured to transmit the customer navigation information to the customer navigation terminal (See col. 4, lines 65-67).

c. As per claim 10, Ito teaches wherein a customer navigation terminal to be carried by a customer entering a facility (Remark: a mobile terminal that can be carried anywhere) including a customer navigation terminal comprising a memory section configured to store information relating to the customer (See col. 4, lines 29-30), a communication section configured to make communication with a customer guide server (See col. 3, lines 57-59), a positional information acquiring unit configured to acquire positional information of the customer in the facility (See col. 6, lines 12-20), and a display unit configured to transmit the positional information to a service server; transmitting the positional information to a service server directly or indirectly communicating with the customer navigation terminal (See col.4, lines 5-10), including: a navigation planning unit configured to respond to the positional information transmitted from the customer navigation terminal to generate customer navigation information in accordance with a customer navigation method (See 9, lines 61-65); and a second transmission unit configured to transmit the customer navigation method to the customer navigation terminal (See col. 4, lines 65-67); having the service server respond to the positional information transmitted from the customer navigation terminal to generate customer navigation information in accordance with the customer navigation method (See col. 4, lines 62-64); and transmitting the generated customer navigation information to the customer navigation terminal (See col. 4, lines 65-67).

d. As per claim 14, Ito teaches wherein a customer navigation terminal to be carried by a customer entering a facility (Remark: a mobile terminal that can be carried anywhere) including a terminal comprising a positional information acquisition unit configured to acquire positional

information of the customer; a display unit configured display the positional information on a map and facility information relating to an individual facility of the facility (See col. 5, lines 38-43); and a transmitter configured to transmit the positional information outside (See col. 4, lines 5-10).

e. As per claim 15, Ito teaches a service server for directly or indirectly communicating with a customer navigation terminal to be carried by a customer entering a facility and having a memory function of information relating to the customer and a communication function with outside, comprising: a navigation planning unit configured to respond to positional information of the customer, transmitted from the customer navigation terminal, by planning a customer navigation method to generate customer navigation information in accordance with the customer navigation method (See col. 4, lines 62-64); and a transmission unit configured to transmit the customer navigation information to the customer navigation terminal (See col. 4, lines 65-66).

3. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,658,254 to Purdy et al.

a. As per claim 12, Purdy et al teaches A customer navigation terminal comprising: a customer navigation terminal to be carried by a customer entering a facility, including: an identification information memory configured to store identification information of the customer (See col. 3, lines 3-14); and a transceiver configured to receive a call signal inputted from outside

(See col. 2, lines 20-24) to transmit outside the identification information read from the identification information memory (See col. 5, lines 15-18).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,347,278 to Ito in view of U.S. Patent No. 6,658,254 to Purdy et al.

a. As per claim 2, Ito teaches the claimed invention as described above. Furthermore, Ito teaches at least one of the customer guide server and the customer navigation terminal includes a voice synthesizer configured to synthesize the identification information called by the calling unit as a voice (See col. 2, lines 60-65). However, Ito fails to teach wherein the customer navigation terminal includes an identification information memory configured to store identification information of the customer carrying the terminal, the customer guide server includes a calling unit configured to call the identification information stored in the identification information memory.

Purdy et al teaches wherein the customer navigation terminal includes an identification information memory configured to store identification information of the customer carrying the

terminal (See col. 3, lines 2-14), the customer guide server includes a calling unit configured to call the identification information stored in the identification information memory (See col. 6, lines 32-60).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the customer navigation terminal includes an identification information memory configured to store identification information of the customer carrying the terminal, the customer guide server includes a calling unit configured to call the identification information stored in the identification information memory as taught by Purdy et al in the claimed invention of Ito in order to allow a mobile person to be the recipient of incoming calls by utilizing multimedia call and call signaling (See col. 2, lines 1-7).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,347,278 to Ito in view of U.S. Patent No. 5,468,942 to Oosterveen et al.

a. As per claim 3, Ito teaches the claimed invention as described above. However, Ito fails to teach wherein the customer navigation terminal includes a use data memory configured to store use data relating to a facility use of the customer in the facility, and the customer navigation system includes a use data collector configured to recover the customer navigation terminal to collect the use data stored in the use data memory.

Oosterveen et al teaches wherein the customer navigation terminal includes a use data memory configured to store use data relating to a facility use of the customer in the facility, and the customer navigation system includes a use data collector configured to recover the customer

navigation terminal to collect the use data stored in the use data memory (See col. 3, lines 49-54).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the customer navigation terminal includes a use data memory configured to store use data relating to a facility use of the customer in the facility, and the customer navigation system includes a use data collector configured to recover the customer navigation terminal to collect the use data stored in the use data memory as taught by Oosterveen et al in the claimed invention of Ito in order to read out the memory of the customer navigation terminal (See col. 3, lines 54-55).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,347,278 to Ito in view of U.S. Patent No. 6,658,254 to Purdy et al applied to claim 2 above and further in view of U.S. Patent No. 5,468,942 to Oosterveen et al.

4. As per claim 4, Ito in view of Purdy et al teaches the claimed invention as described above. However, Ito in view of Purdy et al fails to teach wherein the customer navigation terminal includes a use data memory configured to store use data relating to a facility use of the customer in the facility, and the customer navigation system includes a use data collecting device configured to recover the customer navigation terminal to collect the use data stored in the use data memory.

Oosterveen et al teaches wherein the customer navigation terminal includes a use data memory configured to store use data relating to a facility use of the customer in the facility, and

the customer navigation system includes a use data collector configured to recover the customer navigation terminal to collect the use data stored in the use data memory (See col. 3, lines 49-54).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the customer navigation terminal includes a use data memory configured to store use data relating to a facility use of the customer in the facility, and the customer navigation system includes a use data collector configured to recover the customer navigation terminal to collect the use data stored in the use data memory as taught by Oosterveen et al in the claimed invention of Ito in view of Purdy et al in order to read out the memory of the customer navigation terminal (See col. 3, lines 54-55).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,347,278 to Ito in view of U.S. Patent No. 5,468,942 to Oosterveen et al as applied to claim 3 above, and further in view of U.S. Patent No. 5,631,947 to Wittstein et al.

a. As per claim 5, Ito in view of Oosterveen et al teaches the claimed invention as described above. However, Ito in view of Oosterveen et al fails to teach wherein the use data memory stores data on a limit amount of use, a charge on use, a balance and a time of use of the customer in the facility, as the use data.

Wittstein et al teaches wherein the use data memory stores data on a limit amount of use, a charge on use, a balance and a time of use of the customer in the facility, as the use data (See col. 6, lines 14-19 and col. 16, lines 18-20).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a limit amount of use, a charge on use, a balance and a time of use of the customer in the facility, as the use data as taught Wittstein et al in the claimed invention of Ito in view of Tracy et al further in view of Oosterveen et al in order read out the charge data, enable, disable and adjust time or charge limits for the device (See col. 3, lines 34-36).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,347,278 to Ito in view of U.S. Patent No. 6,658,254 to Purdy et al and further in view of U.S. Patent No. 5,468,942 to Oosterveen et al applied to claim 4 above and further in view of U.S. Patent No. 5,631,947 to Wittstein et al.

a. As per claim 6, Ito in view of Purdy et al and further in view of Oosterveen teaches the claimed invention as described above. However, Ito in view of Purdy et al and further in view of Oosterveen fails to teach The wherein the use data memory stores data on a limit amount of use, a charge on use, a balance and a time of use of the customer in the facility, as the use data.

Wittstein et al teaches wherein the use data memory stores data on a limit amount of use, a charge on use, a balance and a time of use of the customer in the facility, as the use data (See col. 6, lines 14-19 and col. 16, lines 18-20).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a limit amount of use, a charge on use, a balance and a time of use of the customer in the facility, as the use data as taught Wittstein et al in the claimed invention of Ito in view of Oosterveen et al in order read out the charge data, enable, disable and adjust time or charge limits for the device (See col. 3, lines 34-36).

10. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,347,278 to Ito in view of U.S. Patent No. 6,550,672 to Tracy et al.

a. As per claim 8 and 11, Ito in view of Tracy et al teaches the claimed invention as described above. However, Ito fails to teach wherein the service server includes a section configured to dynamically set a use price of the individual facility or a sales price of a particular article in the individual facility in accordance with the customer navigation method, and the navigation planning unit reflects the set use price or sales price on the customer navigation information.

Tracy et al teaches wherein the service server includes a section configured to dynamically set a use price of the individual facility or a sales price of a particular article in the individual facility in accordance with the customer navigation method, and the navigation planning unit reflects the set use price or sales price on the customer navigation information (See col. 2, lines 25-29).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the service server includes a section configured to dynamically set a use

price of the individual facility or a sales price of a particular article in the individual facility in accordance with the customer navigation method, and the navigation planning unit reflects the set use price or sales price on the customer navigation information as taught by Tracy et al in the claimed invention of Ito et al in order to retrieve associated data files stored at remote address (See col. 1, lines 66-67).

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 6,658,254 to Purdy et al in view of U.S. Patent No. 5,631,947 to Wittstein et al.

a. As per claim 13, Purdy et al teaches and a transceiver configured to receive a call signal inputted from outside to transmit outside the use data read from the use data memory (See col. 2, lines 20-30). However, Purdy et al fails to teach a use data memory configured to store use data relating to a facility use of the customer including data on a limit amount of use, a charge on use, a balance and a time of use of the customer in the facility.

Wittstein et al teaches wherein the use data memory stores data on a limit amount of use, a charge on use, a balance and a time of use of the customer in the facility, as the use data (See col. 6, lines 14-19 and col. 16, lines 18-20).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a limit amount of use, a charge on use, a balance and a time of use of the customer in the facility, as the use data as taught Wittstein et al in the claimed invention of Ito in view of Tracy et al further in view of Oosterveen et al in order read out the charge data, enable, disable and adjust time or charge limits for the device (See col. 3, lines 34-36).

Allowable Subject Matter

10. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior arts of record fail to anticipate or render obvious the following recited features: a dynamic price setting unit configured to respond to waiting time information by attractions acquired from the customer navigation terminal to dynamically set a price meeting an expectation function = $((\text{normal price} - \text{set price}) / (\text{normal price})) (\text{waiting time} - a)^2$, where a is an optimal waiting time as recited in claim 16.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,529,143 to Mikkola et al teaches an information retrieval system.

U.S. Patent No. 6,549,625 to Rautila et al teaches a method and system for connecting a mobile terminal to a database.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606. The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

A handwritten signature in black ink, appearing to read 'Le Hien Luu', with a long horizontal flourish extending to the right.

LE HIEN LUU
PRIMARY EXAMINER